

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

G.L. WILLIAMS ASSOCIATES, INC.;)	
RT TECHNOLOGY, LLC.; and WEST)	
COAST REPS, INC.,)	
Plaintiffs,)	
v.)	C.A. No. 06-cv-00114-SLR
)	
MOTOROLA, INC., a Delaware)	
corporation.)	
Defendant.)	

**DEFENDANT'S MOTION TO DISMISS OR, IN THE ALTERNATIVE,
MOTION FOR MORE DEFINITE STATEMENT**

Motorola, Inc., pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b) to dismiss plaintiffs' complaint for the reasons stated in Motorola's Opening Brief of Defendant Motorola, Inc., in Support of its Motion to Dismiss.¹ In the alternative, Motorola moves for a more definite statement of plaintiffs' deceptive trade practices claim pursuant to Federal Rule of Civil Procedure 12(e).

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ William W. Bowser

William W. Bowser, Esquire (Bar I.D. 2239)
The Brandywine Building, 17th Floor
1000 West Street
Wilmington, Delaware 19801
Telephone: (302) 571-6601; Facsimile: (302) 576-3282
Email: wbowser@ycst.com
Attorneys for Defendant

¹Motorola moves to dismiss Counts 3, 5, and 6 in their entirety; to dismiss all Counts to the extent those Counts seek recovery of punitive damages; and to dismiss Count 1 of plaintiff G.L. Williams Associates' Complaint to the extent it seeks recovery for Motorola's alleged failure to disclose a contractual "moratorium." Although Motorola denies the allegations asserted in the other Counts, Motorola will reserve answering those Counts until after resolution of this motion, so as to prevent "duplicative sets of pleadings" and to avoid "confusion over the proper scope of discovery during the motion's pendency." 5B Wright & Miller, FEDERAL PRACTICE AND PROCEDURE § 1346, at p. 46 (2004); *Godlewski v. Affiliated Computer Servs., Inc.*, 210 F.R.D. 571, 572 (E.D. Va. 2002) (majority rule holds "that the filing of a motion that only addresses part of a complaint suspends the time to respond to the entire complaint, not just to the claims that are the subject of the motion."); *Circuit City Stores, Inc. v. Citgo Petroleum Corp.*, 1994 WL 483463, *4 (E.D. Pa. 1994) (same).

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

G.L. WILLIAMS ASSOCIATES, INC.;)	
RT TECHNOLOGY, LLC.; and WEST)	
COAST REPS, INC.,)	
Plaintiffs,)	
v.)	C.A. No. 06-cv-00114-SLR
)	
MOTOROLA, INC., a Delaware)	
corporation.)	
Defendant.)	

CERTIFICATE OF SERVICE

I, William W. Bowser, Esquire, hereby certify that on this 10th day of April 2006, I caused to be served a true and correct copy of the foregoing **Defendant's Motion To Dismiss Or, In The Alternative, Motion For More Definite Statement** upon the following counsel of record via hand delivery:

David Allan Felice
Cozen & O'Connor
Chase Manhattan Centre, 1201 N. Market, Ste 1400
Wilmington, DE 19801

I further certify that on this 10th day of April 2006, I caused to be mailed by United States Postal Service two true and correct copies of the foregoing **Defendant's Motion To Dismiss Or, In The Alternative, Motion For More Definite Statement** upon the following counsel of record:

Kevin F. Barry
Cozen & O'Connor
1900 Market Street
Philadelphia, PA 19103

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ William W. Bowser

William W. Bowser, Esquire (Bar I.D. 2239)
1000 West Street
Wilmington, Delaware 19801
Telephone: (302) 571-6601; Facsimile: (302) 576-3282
Email: wbowser@ycst.com